IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2759 OF 2006

Ramdas Gattayya Gatla ..Petitioner.

Vs.

The Century Textile & Industries Ltd. ..Respondent.

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Mr. N.M. Ganguli for the Petitioner.
Mr. S.P. Singh for the Respondent.

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CORAM: DR. D.Y. CHANDRACHUD, J.

6th November, 2006.

P.C. :

The complaint of unfair labour practice has been dismissed on the ground that it is barred by limitation. The Industrial Court has in revision affirmed the order passed by the Labour Court.

Under Section 28(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 a complaint has to be instituted within 90 days of the occurrence of an unfair labour practice. Under the proviso to Sub section (1) the Court may entertain a complaint after a period of 90 days from the date of the alleged occurrence if good and sufficient reasons are

shown by the complainant for the late filing of the complaint. In the present case, the case of the Petitioner was that he was not provided with work after 18th January, 1982. The complaint was instituted 10 years thereafter on 8th October, 1992. The case of the complainant was that he was reporting regularly at the mill gate, but he was not provided with work. Not providing work to the workman would have amounted to an unfair labour practice in itself and it is inconceivable that the workman would wait for a period of ten years before institution of the complaint. The contention of the workman is that it was in September 1992 that his advocate was informed that the services of the workman have been terminated on 29th April, 1982. Even if this be so, there was absolutely no valid justification for the workman having waited between January 1982 and September 1992 before instituting proceedings. Both the Courts below in the considered exercise of their discretion have come to the conclusion that no good and sufficient grounds have been made out for condoning the delay. This exercise cannot be regarded as being perverse so as to warrant the interference of this Court in what is essentially the exercise of the supervisory jurisdiction. No case for interference has been made out. The

Petition is dismissed.